In re Appln. of Soon-hac Hong
Application No. 10/764,660
Response to Office Action of May 8, 2007

REMARKS

The following remarks are responsive to the Office Action of May 8, 2007.

In the May 8, 2007 Office Action, claim 12 was rejected under 35 U.S.C. § 112, second paragraph, claims 20-24 were rejected under 35 U.S.C. § 102(a) as anticipated by U.S. Patent No. 6,829,009 to Sugimoto, and claims 1-19 and 25 were rejected under 35 U.S.C. § 103(a) as obvious over Sugimoto in view of the abstract of KR 2000-003838 to Hong.

Rejections under § 112

Claim 12 was rejected under 35 U.S.C. § 112, second paragraph, because there was insufficient antecedent basis for the limitation "the initial active menu item." This limitation has been amended to "a menu item," since it is the first time the limitation is addressed in the claim. Accordingly, it is submitted that this amendment addresses the rejection and that claim 12 is allowable.

Rejections under § 102(a) and § 103 based on Sugimoto and Hong

Independent claim 1 was rejected as obvious over U.S. Patent No. 6,829,009 (Sugimoto) in view of the abstract of KR 2000-003838 (Hong). The Applicant respectfully traverses the rejection. In response, claim 1 has been amended to clarify that in the present invention, the display order of menu items is determined, in part, according to the operation mode in use. (Present Application, Page 11, Line 25 – Page 12, Line 10). In clear contrast, Sugimoto discloses determining the display order of menu items based solely on the number of times each item has been used and Hong discloses determining the display order of menu items based solely on the number of times each item has been used for a particular user. Because neither Sugimoto nor Hong determine the display order of menu items according to operation mode, menu items must be ordered the same way in all operation modes, i.e., from the most frequently used to the least frequently used menu item. Determining the order of menu items without taking into account the operation mode will result in inefficient access and confusion.

For example, if the still image mode menu items were "image size," "quality," "white balance" and "sharpness" with "quality" being the most frequently used menu item, then the display order according to Sugimoto and Hong would be "quality" first, followed by "image

6

In re Appln. of Soon-hac Hong
Application No. 10/764,660
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size," "white balance" and "sharpness." Similarly, if the system setting mode menu items were "format," "auto power off," "date," "time" and "language" with "time" being the most frequently used menu item, then the display order according to Sugimoto and Hong would be "time" first, followed by "format," "auto power off," "date" and "language."

In the foregoing example, suppose a user wants to set the time one hour forward, from 11:35 p.m. to 12:35 a.m. the next day. If the "time" menu item were displayed first and the "date" menu item were displayed several menu items away from the "time" menu item, the user may overlook changing the date when changing the time since the user would not see the "date" menu item near the "time" menu item. Furthermore, even if the user remembers that the date also needs to be changed, the user would have to scroll down the menu after setting the time, requiring several additional keystrokes, before reaching the "date" menu item. Therefore, in the given example, although displaying the still image mode menu items in an order based on frequency may be efficient and easy to use, displaying the system setting mode menu items in an order based on frequency may not be efficient and easy to use.

Amended claim 1 provides the flexibility to, for example, view the still image mode menu items based on frequency of use and view the system setting mode menu items in an order not based on frequency of use. For example, unlike in still image mode, in system setting mode, the menu items may be displayed in a default order or an order specified by the user. In addition, instead of displaying the most frequently used item first in system setting mode, the most frequently used item may be further down in the menu and may be initially activated.

Thus, the Sugimoto and Hong designs are representative of the less flexible, inefficient and potentially confusing prior art designs and disadvantages of which the present invention overcomes. In particular, efficiency and ease of use as provided by claim 1 of the present invention is a key factor in today's digital camera market, where due to the numerous functions in digital cameras, making them easy to use and access is more difficult for designers, and more important for users. Accordingly, it is submitted that claim 1 is allowable. Claims 2-11 that depend from claim 1 are allowable for the same reasons.

Independent claims 12 and 20 have been amended to include that the display order of menu items or the initially active menu item be determined according to the operation mode in use. Accordingly, it is submitted that claims 12 and 20 are allowable for the same or
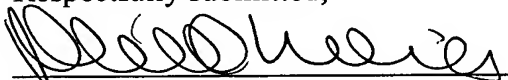
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similar reasons as claim 1. Claims 13-19 and 21-25 that depend from claims 12 and 20 respectively are also allowable for the same reasons.

Conclusion

For the foregoing reasons, all pending claims in the present application are believed to be allowable. Thus, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO OFFICE ACTION OF MAY 8, 2007 (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: <u>August 3, 2007</u>

Irina L. Mikitiouk

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9